

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

176L0615

HOUSE BILL NO. 1204

Introduced by: Representatives Van Norman, Bradford, Elliott, Haley, Halverson, Kroger,
and Valandra and Senators Two Bulls, Adelstein, Bartling, Kloucek,
Kooistra, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to require certain statistics regarding traffic law
2 enforcement to be collected and maintained.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 23-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The sheriffs, chiefs of police, marshals of the municipalities, and any other law enforcement
7 officers of the state shall collect the following information regarding traffic stops by law
8 enforcement officers according to the reporting system established by the Division of Criminal
9 Investigation, on forms furnished by the division, and shall forward the information to the
10 division for collection, correlation, and maintenance:

11 (1) The number of drivers stopped for routine traffic enforcement by law enforcement
12 officers and whether or not a citation or warning was issued;

13 (2) As perceived by the officer (without asking those he or she stops), the drivers'
14 perceived race or ethnicity;

15 (3) The alleged traffic violation that led to the stop;



- 1 (4) If a search was instituted as a result of the stop;
- 2 (5) If the vehicle, driver, or any passenger, or the personal effects of the driver or any
- 3 passenger, were searched;
- 4 (6) If any physical evidence of illegality was found during the search; and
- 5 (7) If any citation or any oral or written warning was issued as a result of the stop.

6 The information required by this section need not be collected in connection with any
7 roadblock, vehicle check, or checkpoint permitted by the laws of this state, unless any of those
8 stops resulted in a warning, search, seizure, arrest, or any other activity described in subdivisions
9 (4) to (7), inclusive, of this section.

10 Section 2. That chapter 23-6 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The director shall collect, correlate, and maintain the information collected by local law
13 enforcement under section 1 of this Act.

14 Section 3. That chapter 23-6 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 The director shall promulgate, pursuant to chapter 1-26, uniform forms to be used in the
17 collection and reporting of traffic stop information collected by law enforcement officers under
18 section 1 of this Act. The director may promulgate, pursuant to chapter 1-26, rules regarding the
19 collection, correlation, maintenance, and reporting of traffic stop information required by this
20 Act.